

TAYLOR W. TONGE

DECEMBER 9 (legislative day, DECEMBER 7), 1943.—Ordered to be printed

Mr. ELLENDER, from the Committee on Claims, submitted the following

REPORT

[To accompany S. 1112]

The Committee on Claims, to whom was referred the bill (S. 1112) for the relief of Taylor W. Tonge, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The purpose of the proposed legislation is to pay to Taylor W. Tonge, of Bremerton, Wash., the sum of \$499.50 in full satisfaction of his claims against the United States for compensation for loss of wages and for reimbursement of medical and hospital expenses incurred as a result of personal injuries sustained by him and his minor children, Danny Tonge and Larry Tonge, when the automobile in which they were riding was struck by a United States Army truck on June 11, 1942.

STATEMENT OF FACTS

The report of the War Department states that on June 11, 1942, at about 2:35 p. m., an Army truck on official business, operated by an enlisted man, was proceeding in a southerly direction on Old Military Road at a point about three-fourths of a mile north of Tracyton, Wash., at an estimated speed of 20 to 25 miles per hour. Upon approaching a sharp right-hand curve, the soldier drove his truck onto the left-hand side of the road in an effort to see farther ahead past a dense growth of bushes on his right, and when he had proceeded about half-way around the curve he saw coming toward him on its proper side of the road a 1938 Ford coach owned and operated by Taylor W. Tonge, of Bremerton, Wash. Notwithstanding the fact that Mr. Tonge drove his vehicle still farther to his right and partly into the ditch, the two vehicles collided.

As a result of the accident Mr. Tonge's automobile was demolished and Mr. Tonge and his two children who were riding with him, Danny Tonge, age 5 years, and Larry Tonge, age 2 years, appear to have sustained the following injuries:

Mr. Tonge: Concussion of the brain, laceration of the head, and fracture of the left clavicle.

Danny Tonge: Severe shock and internal injuries.

Larry Tonge: Laceration of head.

According to Mr. Tonge's statement, which is made a part of this report, he incurred hospital and doctor bills in the amount of \$209.50 and loss of time amounting to \$290 or a total of \$499.50. He was employed as a rigger in the Puget Sound Navy Yard at the time of the accident and was absent 22 days, 18 of the days being covered by sick leave and 4 days by annual leave. As a consequence he drew all of his sick leave while recuperating from the accident. Mr. Tonge states: "This sick leave and furlough were in fact like money in the bank. I earned it and now if I suffer any extended illness I will not have this fund to draw from."

The War Department interposes no objection to the proposed legislation and states that Mr. Tonge "should be reasonably compensated for the damages sustained by him. Under the circumstances the amount of the proposed award, \$499.50, does not appear to be excessive."

After carefully considering the facts surrounding this claim, your committee feel that it is a meritorious one and recommend favorable consideration of the bill.

Appended hereto is the report of the War Department and statement of Mr. Tonge.

WAR DEPARTMENT,
Washington, D. C., November 25, 1943.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Claims,
United States Senate.

DEAR SENATOR ELLENDER: The War Department interposes no objection to the enactment of S. 1112, Seventy-eighth Congress, which would authorize and direct the Secretary of the Treasury to pay to Taylor W. Tonge, of Bremerton, Wash., the sum of \$499.50 "in full satisfaction of his claims against the United States for compensation for loss of wages and for reimbursement of medical and hospital expenses incurred by him as a result of personal injuries sustained by him and his minor children, Danny Tonge and Larry Tonge, when the automobile in which they were riding was struck by a United States Army truck on June 11, 1942."

On June 11, 1942, at about 2:35 p. m., an Army truck on official business, operated by an enlisted man, was proceeding in a southerly direction on Old Military Road at a point about three-fourths of a mile north of Tracyton, Wash., at an estimated speed of 20 to 25 miles per hour. Upon approaching a sharp right-hand curve, the soldier drove his truck onto the left-hand side of the road in an effort to see farther ahead past a dense growth of bushes on his right, and when he had proceeded about half way around the curve he saw coming toward him on its proper side of the road a 1938 Ford coach owned and operated by Taylor W. Tonge, of Bremerton, Wash. Notwithstanding the fact that Mr. Tonge drove his vehicle still farther to his right and partly into the ditch, the two vehicles collided.

As a result of the accident Mr. Tonge's automobile was demolished and Mr. Tonge and his two children who were riding with him, Danny Tonge, age 5 years, and Larry Tonge, age 2 years, appear to have sustained the following injuries:

Mr. Tonge: Concussion of the brain, laceration of the head, and fracture of the left clavicle.

Danny Tonge: Severe shock and internal injuries.

Larry Tonge: Laceration of head.

Mr. Tonge incurred the following expenses as a result of his injuries and those of his two children:

Olympic Hospital, Inc., Bremerton, Wash. (Taylor W. Tonge)-----	\$32. 00
Olympic Hospital, Inc., Bremerton, Wash. (Danny Tonge)-----	55. 00
Olympic Laboratory (Danny Tonge)-----	7. 50
Clara M. Reinert, nurse (Danny Tonge)-----	10. 00
Dr. J. E. Hadden, Bremerton, Wash.:	
Larry Tonge-----	5. 00
Danny Tonge-----	75. 00
Taylor W. Tonge-----	35. 00
Net loss of earnings sustained by Taylor Tonge-----	91. 20
Total-----	310. 70

It appears that at the time of the accident Mr. Tonge was employed as a rigger in the Puget Sound Navy Yard, at Bremerton. Lt. Comdr. D. J. Sass, United States Navy, personnel officer, has submitted the following statement with respect to Mr. Tonge's absence from work on account of the injury sustained by him:

"I certify that Taylor W. Tonge was absent from work from June 13 to July 10, inclusive. He probably would have worked 24 days but would have been paid for 28 days, plus overtime, or a total of 32 days. At his rate of pay, \$9.12 per day, he would have earned \$291.84.

"Eighteen of the days that Mr. Tonge missed were covered by sick leave and 4 days by annual leave. Mr. Tonge received pay for 22 days, or \$200.64. The difference between the amount he actually received and what he would have earned is \$91.20. Mr. Tonge also lost the 18 days' sick leave, which is granted only when an employee is incapacitated from the performance of his duties and is his insurance against future illness during his employment."

A claim was filed with the War Department by Mr. Tonge on July 18, 1942, in the amount of \$499.50 on account of the personal injuries sustained by him and by his two children. Upon review in the Department the claim was necessarily disapproved since there was at that time no statute or appropriation available to the Department for the administrative settlement of a claim for personal injuries arising out of the operation of Army vehicles.

No claim has yet been received in the War Department for the damage to Mr. Tonge's automobile, but such a claim when received will be disposed of under the provisions of the act of July 3, 1943 (Public Law 112, 78th Cong.).

Since the evidence clearly establishes that the accident and resulting injuries to Mr. Tonge and his two minor sons were due wholly to the negligence of the Government driver, it is the view of the War Department that Mr. Tonge should be reasonably compensated for the damages sustained by him. Under the circumstances the amount of the proposed award, \$499.50, does not appear to be excessive.

The fiscal effect of the bill is manifest.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

BREMERTON, WASH., April 28, 1943.

Senator HOMER T. BONE,
United States Senate, Washington, D. C.

DEAR SIR: In reference to your letter of April 21, I am sending you an itemized statement of my losses.

Anesthetic-----	\$10. 00
Blood typing for transfusion-----	7. 50
Hospital-----	77. 00
Dr. J. E. Haddon-----	115. 00
Total-----	209. 50
Lost time-----	290. 00
Total-----	499. 50

As you will note the difference is in loss of time. The War Department has considered only overtime lost, whereas I figure all time lost. I drew all of my sick leave and a few days furlough while recuperating from the accident. This sick leave and furlough was in fact like money in the bank, I earned it and now if I suffer any extended illness I will not have this fund to draw from. Commander Sass, of the personnel department of the Puget Sound Navy Yard where I am employed, explained this to the Army board, and as he said it is the same as someone in private employment having to use all of their emergency fund, therefore it would be only fair to recompensate me for the entire loss. At the time the local Army board agreed that this was right but later changed their minds and omitted all but the overtime loss. However, when I received the letter from the War Department refusing my claim for personal damages, they quoted the amount as \$499.50 so I naturally assumed that the Army board had again changed their decision. I believe that I am entitled to the full amount since this \$499.50 represents my actual loss.

You also asked that I send a statement of the injuries sustained by myself and children.

The statement sent you by the War Department was correct. I suffered a broken collar bone and brain concussion. Larry, aged 2, had a small cut on the forehead, and Danny, aged 5, received serious abdominal injuries, necessitating an operation and blood transfusion. He was confined to the Olympic General Hospital for 7 days. I was in the hospital for 4 days.

Thank you for your interest in this matter. I appreciate it greatly.

Yours truly,

TAYLOR W. TONGE.

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